

## **REMARKS**

Applicant respectfully requests reconsideration of this application in view of the foregoing amendments and the following remarks.

### **Claim Status**

Claims 1-22 are pending in this application and are rejected.

Claims 1 and 12-22 are herein amended.

### **Rejections Under 35 U.S.C. § 101**

Claims 12-22 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

In particular, the Examiner indicated that since claim 12 does not define a computer-readable medium or memory it is nonstatutory.

The preamble of claim 12 has been amended to recite, “A computer readable medium ~~program storage device readable by a machine~~, tangibly embodying a program of instructions executable by a processor ~~the machine~~ to perform method steps for automatic detection of medical conditions in medical images, the method steps comprising:”.

The preambles of claims 13-22 have been amended to recite, *inter alia*, “The computer readable medium ~~program storage device~~ of claim...”

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 101 are respectfully requested.

### **Rejections Under 35 U.S.C. § 102**

Claims 1, 2, 6, 8-13, 17 and 19-22 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,162,061 (Takeo).

Applicant respectfully submits that Takeo does not teach “automatically and purposefully adding a false mark in the image data that incorrectly indicates a detected medical condition during the CAD process to compel manual review of marked image data” as recited in amended claim 1.

Takeo discloses an abnormal pattern detection processor means 30 that detects and processes abnormal patterns (e.g., a tumor pattern or a minute calcification pattern) in image data (see e.g., FIG. 1 and col. 12, line 65 – col. 13, line 1 of Takeo). There is no disclosure anywhere in Takeo of using the abnormal pattern detection processor means

30 to purposefully add a false mark in image data that incorrectly indicates a detected medical condition to compel manual review of marked image data, as claimed.

In response to the Examiner's assertion that Takeo discloses "automatically and purposefully adding a false mark in the image data to compel manual review of marked image data", Applicant notes that Takeo discloses a reporting device 450 that can be used by a pattern reader (e.g., a radiologist or a clinician) to add an abnormal pattern to a displayed image if the abnormal pattern was not previously detected by an abnormal pattern detector processor means 30 (see e.g., FIG. 1 and col. 13, lines 53-67 of Takeo). However, the abnormal pattern is not added during a CAD process, as claimed. Instead, it is added after the abnormal pattern detector processor means 30 completes its detection process. Further, the abnormal pattern is added while the pattern reader manually reviews the displayed image, thus it is not added to compel manual review, as claimed. Moreover, the abnormal pattern is not a false mark that incorrectly indicates a detected medical condition, as claimed. Rather, the abnormal pattern is a mark indicating, for example, a tumor pattern or a minute calcification pattern.

Thus, for the reasons discussed above, Takeo does not teach "automatically and purposefully adding a false mark in the image data that incorrectly indicates a detected medical condition during the CAD process to compel manual review of marked image data" as recited in amended claim 1.

Accordingly, Applicant believes that the embodiment of the invention recited in claim 1 is patentable over Takeo.

Claim 12 has been amended similarly to claim 1 and is believed to be allowable for at least the reasons discussed above for claim 1.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are respectfully requested.

#### **Rejections Under 35 U.S.C. § 103**

Claims 3-5, 7, 14-16 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Takeo in view of U.S. Patent No. 6,108,439 (Ishiguro).

Claims 3-5 and 7 are believed to be allowable for at least the reasons discussed above for claim 1, from which they depend.

Claims 14-16 and 18 are believed to be allowable for at least the reasons discussed above for claim 12, from which they depend.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

**Dependent Claims**

Applicant has not independently addressed the rejections of all the dependent claims because Applicant submits that, in view of the amendments to the claims presented herein and, for at least similar reasons as to why the independent claims from which the dependent claims depend are believed allowable as discussed, supra, the dependent claims are also allowable. Applicant, however, reserves the right to address any individual rejections of the dependent claims should such be necessary or appropriate.

**CONCLUSION**

Accordingly, Applicant submits that the claims as herein presented are allowable over the prior art of record, taken alone or in combination. The Examiner's early and favorable action is respectfully requested.

Entry of this amendment is earnestly solicited and it is respectfully submitted that this amendment raises no new issues requiring further consideration and/or search.

Respectfully submitted,

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